

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, June 28, 2016  
6:30 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 6:30 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Lisa Fuentes, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Deacon Luis Flores gave the Invocation.

Mayor Sasser expressed the condolences of the Commission for all affected by the recent terrorist attack in Istanbul, Turkey.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

An addition to Item 13d was noted: a request for funding was received from the Miami Army Recruiting Battalion, which has been supported by the Town as a nonprofit agency in the past.

**5. PRESENTATIONS**

**a. Hurricane Preparedness (Don Prince, Municipal Services Director)**

Municipal Services Director Don Prince provided a presentation on hurricane preparedness, advising that the hurricane season extends from June 1 through November 30. He recommended that all residents establish an emergency plan in the event of a storm, as the Town lies in a mandatory evacuation zone. Should a hurricane occur, all residents are strongly encouraged to leave.

He continued that the Broward Sheriff's Office (BSO) would ensure that all residents are aware of the need to evacuate in the event of a storm. An emergency checklist brochure

is available at Town Hall and on the website under Town Topics. Many businesses in town also stock these checklists.

Town Manager Bud Bentley advised that when a hurricane watch becomes a warning, the emergency center in Jarvis Hall is closed and relocates to Holy Cross Hospital.

## **6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Ellen Zavell, President of the Lodging Association, stated that a public relations event is planned to showcase the Town's preferred Silver Starfish hotels.

Media travel writers, bloggers, and members of the Convention and Visitors' Bureau have been invited to tour the Town's hotels on the Sun Trolley, beginning at 5 p.m. on July 28, 2016. Members of the Commission and the public are invited to attend.

Michael Barron, representing Women in Distress, stated that this agency has submitted a request for continued funding from the Town. In the past year, they have helped over 3300 individuals through their crisis hotline and emergency shelter.

Ron Piersante, resident, recalled that he spoke at a previous meeting regarding a proposed Historic Preservation Ordinance. He emphasized the need to allow property owners to determine for themselves if they wish their properties to fall under the Town proposed ordinance or the County's Ordinance.

Mr. Piersante also recognized the work of Assistant Town Manager Tony Bryan in assisting the Town's Audit Committee during his tenure as Finance Director. He welcomed new Finance Director Lisa Fuentes.

As there were no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. VFD May 2016 Report (Chief Judson Hopping)**

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

## **8. TOWN MANAGER REPORT**

### **a. May Finance Report (Lisa Fuentes, Finance Director)**

The Commissioners accepted the report without discussion.

**b. Town Manager Report (Bud Bentley, Town Manager)**

Town Manager Bentley stated that the current copy of *Town Topics* includes information on the Town's upcoming 4<sup>th</sup> of July celebration. He noted that all Commissioners have been sent an email regarding this event.

He continued that property owner Bill Ciani has offered to donate three palm trees for planting at the corner of A1A and Commercial Boulevard. The trees would be intended to provide additional shade at the proposed location, which has been approved by the landscape architect. He concluded that he is strongly in favor of accepting the donation, as well as any other tree donations that may be consistent with the Town's streetscapes.

The Commissioners discussed the proposal further, with Town Manager Bentley clarifying that while the additional trees would make one Downtown street corner inconsistent with the others, the trees at all corners are not intended to be mirror images due to the infrastructure in those areas. Commissioner Sokolow thanked Mr. Ciani for his donation.

After a brief discussion, the Commissioners agreed by unanimous consensus to accept the donation of three palm trees.

**9. TOWN ATTORNEY REPORT**

None.

**10. APPROVAL OF MINUTES**

**a. June 14, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

**11. CONSENT AGENDA**

**a. Special Event Application for Power Challenge – An Open Water Pier-to-Pier Race Proposed for Saturday, September 3, 2016 (Debbie Hime, Special Projects Coordinator)**

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

**12. OLD BUSINESS**

None.

### **13. NEW BUSINESS**

#### **a. Installation of Cured in Place Pipe and Analysis of Sewer Rates (Don Prince, Municipal Services Director)**

Municipal Services Director Don Prince reported that a 2012 analysis resulted in the recommendation of maintenance procedures to the Town's sewer system, including the installation of cured-in-place pipe from manhole to manhole. He recommended that this protective maintenance begin now in order to prevent infrastructure issues that have affected other nearby communities.

Town Staff has met with the individual Commissioners to discuss this project. The lowest price on the work was submitted by Lanzo Technologies, and the Town may "piggyback" on an existing contract between this firm and the city of Hollywood.

Municipal Services Director Prince moved on to sewer rates, advising that a price of \$630,199, with a 5% contingency to redo 73 liners in the sewer system, has been submitted. He noted that the Town's engineer must be on hand to ensure correct installation of these lines. Matthews Engineering has provided a quote for \$67,000 to oversee this process. Lining the pipes is expected to reduce infiltration and prevent pipes from failing.

Assistant Town Manager Tony Bryan clarified that the proposal would raise the existing sewer rate by 2.5% through the year 2022, which is less than the rate increase recommended by Burke & Associates. This increase would result in a \$10,000 balance in the Sewer Fund by the end of 2022. He reviewed other potential funding scenarios as well, including no increase until 2018 or a 3.5% increase through 2022.

Assistant Town Manager Bryan continued that the 2.5% increase would mean an additional \$1.50 to single-family residences a month, and significantly less to residents of condominiums. Some areas of the Town have already had lined pipe installed, while other locations do not require improvements, as they are in good condition. Some pipes may have lining installed due to their location, even though they have no defects at this time.

Town Manager Bentley advised that the project is consistent with work done recently in the city of Pompano Beach. The project is expected to increase efficiency at the main lift station, which will extend the station's life significantly. Staff's recommendation is to proceed with the 2.5% increase and revisit the project at a later date.

Staff's recommendation on this Item was clarified as follows:

- 2.5% sewer rate increase in FY17, FY18, and FY19;



- Town Manager Bentley would execute an agreement with Lanzo Technology to install cured in place pipe liners in 73 segments of sewer line for a price of \$630,199; Town Manager Bentley would also be authorized to execute change orders, the aggregate of which do not exceed 5% of the contract price;
- Town Manager Bentley would be authorized to execute a \$67,205 work authorization with Mathews Consulting for sewer main line inspections;
- Town Staff would be directed to prepare a budget amendment Resolution to appropriate \$620,000 to fund the cost of installation, the 5% contingency, and the cost of inspection in FY16.

**Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve Scenario 2. Motion carried 5-0.**

**b. Broward County Property Assessment Clean Energy (PACE) Program (Tony Bryan, Assistant Town Manager)**

Assistant Town Manager Bryan advised that Florida's Property Assessment Clean Energy (PACE) program allows property owners to apply to their local governments to finance energy efficiency, renewable energy, and wind resistance improvements. The property owner commits to repay this assistance through a non-ad valorem assessment on his or her property. PACE repayment takes priority over other types of financing, such as Fannie Mae/Freddie Mac.

In 2012, the Town Attorney provided the Commission with a presentation on Broward County's efforts to establish a PACE program, as well as the efforts to do so by other cities. At present, Broward County has established an "opt-out" program, which allows municipalities to opt out of the County's PACE program within 120 days. If the Commission takes no action to opt out within this time frame, Town residents will be able to apply to the County's PACE program.

Assistant Town Manager Bryan advised that at least one property owner in Lauderdale-By-The-Sea has expressed interest in the PACE program. He requested direction from the Commission on how to best proceed. The program is privately financed and has no cost to the Town.

The Commissioners discussed the presentation, with Commissioner Sokolow pointing out that there is no evident downside to the PACE program. Town Attorney Susan Trevarthen noted that the special assessment is considered a second mortgage, and the County has taken steps to protect residential homeowners who choose to participate in the program. The intent is for these owners to earn more through savings than they spend on improvement(s). A third-party administrator provides both access to equity and improvement services.

Mayor Sasser expressed concern that residents may sign up for the program expecting to reside in their homes for some time, but may have to move unexpectedly and be faced with paying off the loan before selling their homes. Commissioner Oldaker noted that it is not the Town's position to determine how individual property owners finance improvements. Homeowners must look into the details of this financing on their own. Vice Mayor Brown pointed out that the program is not mandated, but provides an opportunity for homeowners who wish to improve their properties.

Assistant Town Manager Bryan advised that if the Commission wishes to participate in the program, they should authorize Town Staff to contact the County and opt into the program.

**Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to authorize Town Staff to pursue conversations with the County to opt in on this issue. Motion carried 3-2 (Mayor Sasser and Commissioner Vincent dissenting).**

**c. Permitted Use in the B-1 Zoning District (Linda Connors, Development Services Director)**

Development Services Director Linda Connors advised that when a new business comes into the Town, Staff reviews Town Code to ensure that this business is a permitted use within its zoning district. She noted that there has been a recent request to establish both a museum and a historic bus tour; however, while the museum is a permitted use, the proposed bus tour is not. Code contemplates this use, however, and gives the Town Manager discretion to approve it after consultation with the Town Commission.

The bus tour would be consistent with the proposed museum, which would be located on Commercial Boulevard. The subject site has rear parking that is consistent with uses not specifically listed in Parking Code. Customers would be loaded onto the buses either at the address or at a site across the street at 224 Commercial Boulevard.

It was clarified that the museum would be historic in nature, with both subject matter and tours not limited only to Lauderdale-By-The-Sea.

**Vice Mayor Brown made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.**

**d. FY 2017 Budget: Non-Profit Funding Request (Lisa Fuentes, Finance Director)**

Finance Director Fuentes presented the funding requests of six nonprofit organizations.

Jerry Sehl, representing the Miami Army Recruiting Battalion in conjunction with the Kiwanis Club, advised that Kiwanis of Tamarac approached the Lauderdale-By-The-Sea

chapter to propose supporting the Army with Publix gift cards to allow them to purchase Thanksgiving turkeys. A ceremony was held for recipient families of service members in Tamarac. The program has now been expanded for the Christmas holiday as well. The request is for \$1000 for Thanksgiving and \$1000 for Christmas.

Vice Mayor Brown noted that it can be difficult to accommodate requests when they increase significantly from one year to the next. He recommended that all nonprofit organizations keep this in mind when requesting funds.

At this time Mayor Sasser opened public comment.

Joanne Richter, representing the Broward Regional Health Planning Council (BRHPC), stated that her request is for \$2000 in matching funds. Payments made to child care centers help these businesses contribute to the County's tax base. The Town's contribution would represent a 6% match.

Edith Lederberg, representing the Aging and Disability Resource Center (ADRC), requested \$9103, noting that ADRC is one of two agencies in the County with a mandatory match. Their request is on behalf of 22 partner agencies that provide services to the senior community through this agency.

Art Makenian, representing the Hillsboro Lighthouse Preservation Society, advised that there were over 10,000 visitors to the lighthouse in 2015. The Society is financially healthy and operates on a small budget. Ken Herman, President of the Hillsboro Lighthouse Preservation Society, also thanked the Commission for its past support of the organization.

**Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve the requested contributions, including \$2000 for the Miami Army Recruiting Battalion. Motion carried 5-0.**

The nonprofit funding requests were clarified as follows:

- |  |        |
|--|--------|
| • 2-1-1 Broward:                           | \$5000 |
| • Aging and Disability Resource Center:    | \$9103 |
| • Broward Children's Center                | \$7500 |
| • Broward Regional Health Planning Council | \$2000 |
| • Hillsboro Inlet Outlet                   | \$2500 |
| • Women in Distress                        | \$3000 |
| • Miami Army Recruiting Battalion          | \$2000 |

#### **14. COMMISSIONER COMMENTS**

Commissioner Oldaker requested an update on the Town's planned 4<sup>th</sup> of July celebration from Special Projects Coordinator Debbie Hime. The garage will be open on Saturday and Sunday, July 2 and 3, 2016 for the decoration of floats for the parade.

Staging is scheduled for 9 a.m. on Monday, July 4. State and Congressional Representatives will be present for the parade, which begins at 10 a.m. behind Town Hall. Family Fun Day will follow the parade from 11 a.m. to 3 p.m. Fireworks on the beach begin at 9 p.m.

## **15. ORDINANCES – PUBLIC COMMENTS**

### **a. Ordinances 1<sup>st</sup> Reading**

- i. **Ordinance 2016-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 13, NOISE, OF THE CODE OF ORDINANCES, TO REGULATE TIME LIMITS FOR THE USE OF DOMESTIC POWER TOOLS, PROHIBIT CONSTRUCTION AND THE USE OF DOMESTIC POWER TOOLS ON CERTAIN HOLIDAYS, AND TO PROVIDE DEFINITIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Development Services Director Connors advised that Staff had amended this section of Code by adding specific holidays on which restrictions would apply, as well as the times at which construction is allowed. Allowable hours for the use of domestic power tools extend from 7 a.m. to 8 p.m. on weekdays, 8 a.m. to 8 p.m. on Saturdays, and 10 a.m. to 6 p.m. on Sundays. A caveat has been added to include time limitations for enclosed work, and a mechanism is in place to allow for emergency work.

**Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.**

### **b. Ordinances 2<sup>nd</sup> Reading**

None.

## **16. RESOLUTIONS – PUBLIC COMMENTS**

- a. **Resolution 2016-23 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, BROWARD COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 2016-14 RELATING TO THE IMPOSITION OF A ONE CENT INFRASTRUCTURE SALES SURTAX UPON VOTER APPROVAL; APPROVING A COMPROMISE SALES SURTAX PROPOSAL BETWEEN THE PARTICIPATING BROWARD MUNICIPALITIES AND BROWARD COUNTY; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE**

**TRANSPORTATION SYSTEM AND INFRASTRUCTURE SURTAXES INTERLOCAL AGREEMENT, ATTACHED AS EXHIBIT "A" AND INCORPORATED HEREIN; SUPPORTING THE COUNTY'S PLACEMENT OF A 30 YEAR ONE HALF-CENT INFRASTRUCTURE SURTAX AND A 30 YEAR ONE HALF-CENT COUNTYWIDE TRANSPORTATION SYSTEM SALES SURTAX ON THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT IN ACCORDANCE WITH THE SURTAXES INTERLOCAL AGREEMENT AND SECTION 212.055, FLORIDA STATUTES; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Vice Mayor Mark Brown)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Vice Mayor Brown advised that as of Friday, June 25, 2016, this Resolution has been approved by municipalities representing at least 93% of the population of Broward County. He emphasized the importance of the Town's vote to approve the interlocal agreement proposed by the Resolution, which would provide surtax revenues to be used by the Town to make improvements over the next 30 years. Tonight's vote would place this item on the November general election ballot.

**Commissioner Oldaker made a motion, seconded by Vice Mayor Brown, to approve. Motion carried 5-0.**

- b. Resolution 2016-24 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED CITY OF SUNRISE ET. AL. BROWARD COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Bud Bentley, Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

## **17. QUASI JUDICIAL PUBLIC HEARINGS**

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on these Items. Any individuals wishing to speak were sworn in at this time.



**a. Conditional Use – Waiver of the Requirements of Article VIII, “Sign Regulations,” of Chapter 30 for 4424 El Mar Drive (Linda Connors, Development Services Director)**

Development Services Director Connors stated that the request is for a waiver of Code requirements for the total square footage and size of an individual symbol on a sign. The Applicant, High Noon Beach Resort, recently updated its façade to the Midcentury Modern style and hopes to change its signage accordingly. The symbol is 16 sq. ft. in size and the signage is 47.97 sq. ft. Both Town Staff and the Town Architect have determined that the signage is consistent with the stated style. Staff recommends approval of the request, subject to conditions outlined in the Commissioners’ backup materials.

Paul Novak, Applicant, advised that the subject property has been renovated and the proposed sign is proportional to the size of the entire building.

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.**

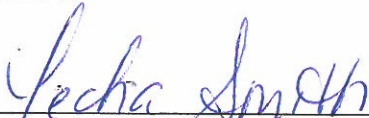
**18. ADJOURNMENT**

With no further business to come before the Commission at this time, the meeting was adjourned at 8:15 p.m.

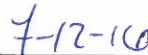


Vice Mayor Mark Brown

ATTEST:



Town Clerk Tedra Smith



Date